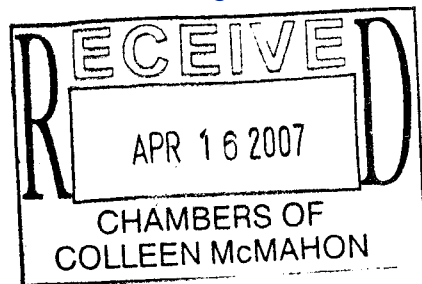
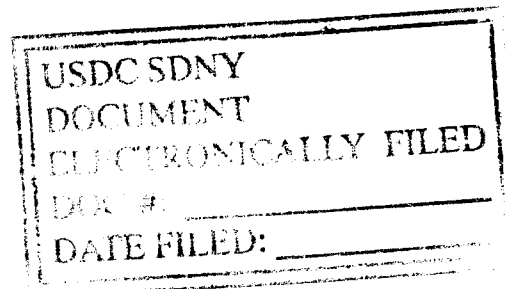


WILLIAM A. GERARD, ESQ.
Phone (845) 365-3121
Fax (845) 365-4036

April 13, 2007



Hon. Colleen McMahon
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, N.Y. 10601



Re: U.S. v HURGENSE PIGNARD
Superseding Indictment No.: S1 06 Cr. 718 (CM)
Response to Government's in limine application

Dear Judge McMahon:

This letter is written to respond to the Government's request to limit the cross examination of witness, Quincy Lee, concerning the issue of his prior criminal conduct.

Specifically, the Government seeks to prevent questioning about his prior heroin possession (allegedly resulting in a YO disposition in 2001), and his prior knife possession (allegedly resulting in a guilty plea to a violation of the NYC Administrative Code).

First, concerning the heroin possession, it appears that Mr. Lee evaded prosecution from 1992 to 2001, which is an issue about which the defense should be allowed to inquire. Second, as the Government well knows, the fact that the heroin charge resulted in a YO disposition, is not a basis to restrict cross examination. Davis v Alaska, 415 U.S. 308 (1974).

In addition, based upon specific information already received, I anticipate that Mr. Lee's credibility will be in issue, and therefore, I object strenuously to any attempt by the Government to restrict cross examination.

If the Court is inclined to limit cross examination concerning the heroin possession, I would make the same in limine application concerning the defendant's prior conviction for drug possession, should he decide to take the stand.

While the knife possession conviction is not a major issue in my mind, I would like to know more about the underlying circumstances, because it is very unusual to actually be arrested in New York for a "kitchen knife" in one's car, considering that such is not a crime under the NY Penal law. There are obviously some other circumstances which the Government is not disclosing, and would like to have more information before taking a position on the Government's request.

Thank you for your consideration of this matter.

Very truly yours,



William A. Gerard (5062)

John Collins, Esq.
Cynthia Dunne, Esq.
Assistant U.S. Attorneys

PLEASE REPLY TO THE FOLLOWING ADDRESS:
71 Woods Rd., P.O. Box 717, Palisades, N.Y. 10964

WILLIAM A. GERARD, ESQ
71 Woods Road, P.O. Box 717
Pallsades, New York 10964
Phone (845) 365-3121--Fax # (845) 365-4036

CONFIDENTIAL FAX COVER SHEET

DATE: April 13, 2007

TO: Hon. Colleen McMahon, United States District Court, SDNY

FAX #: White Plains 914-390-4152
NYC 212-805-6326

RE: U.S. v HURGENS PIGNARD
Superseding Indictment No.: S1 06 Cr. 718 (CM)

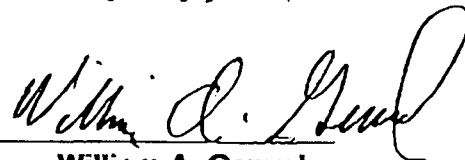
Attached please find 3 pages (including this one).
Please contact me at (845) 365-3121 if you do not receive the correct amount of pages.

Message:

See response to Government's in limine application faxed herewith.

Thank you for your courtesy and assistance in this matter.

Very truly yours,



William A. Gerard

CC.: John Collins, Esq.
U.S. Attorney
Fax No. 914-993-1980